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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/022,479

12/17/2001

Domingo Rohde

81,485/LPK

2759

7590

09/02/2004

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EXAMINER

DOE, JANIS L

ART UNIT

PAPER NUMBER

1756

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121)**

The amendment document filed on May 7, 2004, which was entered upon the filing of the RCE on Aug. 4, 2004, is considered non-compliant because it fails to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction to the following items are required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), in this case, the entire "Amendments to the Claims" section of applicant's amendment document must be resubmitted. 37 CFR 1.121(h).**

The "Amendments to the Claims" section is not in compliance with 37 CFR 1.121. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified as set forth in 37 CFR 1.121. In particular, claims 1-11 have been improperly labeled as "Previously Withdrawn," not with the permitted status identifier "Withdrawn." Claims 14, 17, 18, and 20 are improperly labeled "Previously Amended," not with the permitted status identifier "Previously presented." Claims 13, 15, 16, 21, and 22 are improperly labeled "Previously Cancelled," not with the permitted status identifier "Canceled."

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37 CFR 1.121(c) states that "the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented) . . . "

In addition, the "Amendment to the claims" section also includes the text of cancelled claims 13, 15, 16, 21, and 22, which is not permitted under 37 CFR 1.121.

37 CFR 1.121(c)(4)(i) states that "[n]o text shall be presented for any claim in the claim listing with the status of 'cancelled' or 'not entered.'"

Since the above-mentioned amendment appears to be a bona fide attempt to be a reply (37 CFR 1.135(c)), applicants are given a TIME PERIOD of ONE (1) MONTH from the mailing date of this notice within which to re-submit only the correct "Amendments to the Claims" section, which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (571) 272-1382. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (571) 272-1385. The central fax phone number is (703) 872-9306.

Any inquiry of papers not received regarding this communication or earlier communications should be directed to

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Supervisory Application Examiner Ms. Claudia Sullivan, whose telephone number is (571) 272-1052.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JLD

Aug. 31, 2004

*Janis L. Dote*  
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